

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RONALD L. BASKETT,

Plaintiff,

v.

KENNETH QUINN,

Defendant.

Case No. C06-266RSL

ORDER DENYING MOTION
FOR RELIEF FROM JUDGMENT

This matter comes before the Court on plaintiff's "Motion Under FRCP Rule 60(b)(6): Relief from Judgment or Order." (Dkt. #13). By order dated April 17, 2006, the Court dismissed plaintiff's Section 1983 complaint. Prior to that date, the Court directed plaintiff to file an amended complaint and warned him that failure to do so by April 11, 2006 would result in dismissal of his complaint for failure to state a claim for which relief can be granted. Plaintiff did not file an amended complaint or seek an extension of time to do so.

Plaintiff now seeks relief from the judgment pursuant to Fed. R. Civ. P. 60(b)(6), which states that a judgment may be vacated for "any other reason justifying relief from the operation of the judgment." Fed. R. Civ. P. 60(b)(6) is an equitable remedy that

1 should be applied only in extraordinary circumstances. See, e.g., United States v. Alpine
2 Land & Reservoir, Co., 984 F.2d 1047, 1049-50 (9th Cir. 1993). Plaintiff argues that
3 because he is an “incompetent” person and unrepresented, the Court should not have
4 entered judgment against him without complying with Rule 17(c). While plaintiff’s case
5 was pending, the Court denied his motion to appoint a guardian ad litem, finding that
6 plaintiff had not established that he was incompetent and unable to represent himself.
7 (Dkt. #8). Plaintiff does not offer any evidence or arguments in support of his current
8 motion to show that he is incompetent or that the Court’s prior order was erroneous.

9 Because plaintiff has not met his burden of showing extraordinary circumstances,
10 the Court DENIES his motion for relief from the judgment (Dkt. #13).

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12 DATED this 2nd day of May, 2006.

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15 Robert S. Lasnik
16 United States District Judge
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